

Appl. No. 10/696,148
Resp. dated Oct. 27, 2005

Reply to Office Action of Oct. 6, 2005

REMARKS

The October 6, 2005 Action rejected all claims pending in the application. This Response requests the Examiner to reconsider the rejections and issue a timely notice of allowance.

Claim Rejections -35 USC §102(e)

All claims, 1-18, stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Application No. 2004/0196963 to Appleman et al. The Appleman Patent Application was filed on December 30, 2003 and claims priority under 35 U.S.C. §119(e) to Provisional Application No. 60/459,273 filed on April 2, 2003. Applicant's application under examination was filed on October 29, 2003, prior to the Appleman Patent Application filing date but after the Appleman Provisional filing date.

Applicant has carefully reviewed the specifications of the Appleman Patent Application and the earlier filed Provisional Application. Applicant submits that additional subject matter was included in the Patent Application that is not supported by the earlier filing date of the Provisional. For example, the Appleman Provisional Application fails to disclose receiving a call-control option simultaneous with the message alert as recited in Applicant's status notification claims. Accordingly, because Applicant's filing date predates the Appleman Patent Application, any new subject matter added by Appleman in the Patent Application cannot be said to anticipate Applicant's claims.

Applicant respectfully requests that the Examiner reconsider the cited reference and withdraw the §102 rejections to claims 1-18.

CONCLUSION

Applicant respectfully requests withdrawal of the § 102 rejections and issuance of a timely Notice of Allowance. Should the Examiner wish to discuss any of the above in greater detail then the Examiner is invited to contact the undersigned at the Examiner's convenience.

Respectfully submitted,
Inter-Tel, Inc.

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